



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
CLEVELAND OFFICE
25089 CENTER RIDGE ROAD
WESTLAKE, OH 44145-4170

June 22, 2000

PROMPT REPLY NECESSARY
CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Gary Smith
c/o Victor Marsh, Esq.
1000 United Bank Plaza
220 Market Ave. South
Canton, Ohio 44702

RE: Jefferson Processing Site, Mingo Junction, Ohio
General Notice of Potential Liability

Dear Mr. Smith:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases.

This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties.

Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility.

Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

EPA Region 5 Records Ctr.



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U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Prepare a workplan that includes tasks and timeline for activities, as well as a site Health and Safety Plan.
2. Dispose of all PCB oil within transformers and capacitors
3. Conduct an extent-of-contamination survey of the site surface and subsurface for PCB contamination;
4. Any contaminated wastes transported off site will be properly treated and disposed of by a disposal facility according with U.S. EPA's Off-Site Rule, and in accordance with the Toxic Substances Control Act (TSCA) PCB Spill Policy and CFR 761.61.
5. Stabilize or demolish structures on the property that represent physical hazards.
6. Properly address any additional hazardous waste and/or materials identified during the removal action.

U.S. EPA has received information that you may have owned or operated the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility.

U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Debora Haidar
U.S. Environmental Protection Agency
25089 Center Ridge Road
Westlake, Ohio 44145.

If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the facility and that you have declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Gaylene Vasaturo of the U.S. EPA Office of Regional Counsel at (312) 886-1811.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified

herein. We hope you will give this matter your immediate attention.

Sincerely yours,

Richard Karl ^{lv}

Richard C. Karl, Chief
Emergency Response Branch

Enclosure: SBREFA information sheet
(for Jefferson Processing and Argo Sales only)